

## **REMARKS**

### **Status of the Claims**

Claims 1-45 are currently pending in the present application. Claims 19-22 and 25-45 have been withdrawn from consideration. The remaining claims, claims 1-18, 23 and 24 have been rejected. Specifically, claims 1-18, 23 and 24 were rejected as purportedly anticipated under 35 U.S.C. § 102 (b) by U.S. Pat. No. 6,472,099 (issued to Lee) (“the ‘099 patent”). The Applicant respectfully traverses the rejections and requests that the Examiner reconsider such objections and rejections in light of the following arguments/comments.

### **Rejections under § 102(b)**

As noted above independent claims 1 and 23 were rejected as purportedly anticipated under 35 U.S.C. § 102(a) by the ‘099 patent. In particular, the Office Action states that the ‘099 patent discloses a battery cell which contains a pre-formed pellet. *See, e.g.*, OA page 2, ¶ 2. Applicant respectfully disagrees. In the ‘099 patent, there is no teaching of a pre-formed pellet. Therefore, the Applicant respectfully submits that the ‘099 patent does not teach each and every one of the claimed limitations in independent claims 1 and 23.

Claim 1 includes, among other things, “at least one pre-formed pellet” wherein the pre-formed pellet includes “...an inner electrode encapsulated by a separator and embedded within the material of the outer electrode portion.” *See, supra*. Similarly, claim 23 includes, among other things, “at least one pre-formed pellet” wherein “...the pellet being formed by embedding the anode into a material used to form the cathode portion.” *See, supra*. Thus, both independent claims require a pre-formed pellet.

As used in the present application, a “pre-formed pellet” contains, among other things, an inner electrode portion (usually an anode) and an outer electrode portion (usually a cathode).

The two portions are formed into a pellet, *prior* to the insertion of the pellet into the battery housing.

There is nothing in the '099 patent that discloses, teaches or suggests a "pre-formed pellet." Indeed, the Office Action cites to nothing in the '099 patent that discloses this claimed limitation. The '099 patent does disclose a battery which can include a cathode comprised of a plurality of disks. *See*, '099 patent, col. 7 lns 39-41. However, in contrast to the present invention, and present claims, the '099 patent does not disclose a pre-formed pellet which includes, among other things, both anode and cathode materials. There is nothing in the '099 patent that teaches that the cathode disk includes the anode material. Rather, the Applicant submits that the '099 patent teaches the insertion of the anode material into the cell *after* the cathode material has been inserted. *See*, e.g., col. 8 lines 21-24; *see also*, col. 4 lines 5-27. Thus, by definition, in the manner disclosed in the '099 patent – the anode and cathode are not pre-formed into a pellet before their insertion into the battery housing.

Since the '099 patent does not disclose a pre-formed pellet, the '099 patent cannot be said to anticipate independent claims 1 and 23. Similarly, such a configuration is not suggested by the '099 patent. Therefore, the Applicant submits that claims 1 and 23 are patentable over the '099 patent. Additionally, the Applicant submits that since the independent claims 1 and 23 are patentable, the remaining dependent claims are patentable as well.

**Conclusion**

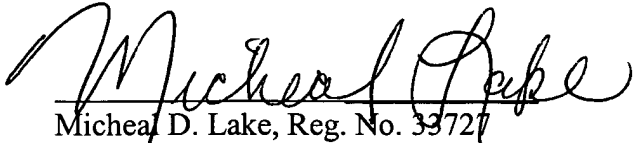
In view of the above, the Applicant submits the claims in the present application are patentable and respectfully requests a timely notice of allowance.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

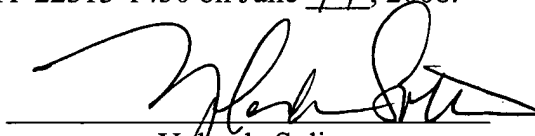
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Dated: June 17, 2008

  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 17, 2008.

  
Yolanda Solis